

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Demario MORRIS

Case: 2:21-mj-30016

Assigned To : Unassigned

Assign. Date : 1/12/2021

CMP: USA v MORRIS (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 8, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

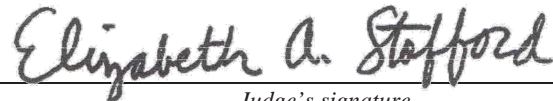
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: _____

City and state: Detroit, Michigan*Complainant's signature*

Task Force Officer Treva Eaton - ATF

Printed name and title*Judge's signature*

Honorable Elizabeth Stafford U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Treva L. Eaton, being duly sworn, do hereby state the following:

I. INTRODUCTION

1. I am a Detroit Police Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a Detroit Police Officer since September 1996 and assigned to the ATF since May 2015. I have been involved in several investigations of firearms and numerous criminal investigations resulting in prosecutions.

2. The statements contained in this affidavit are based on my review of written police reports by Detroit Police Officers, and information provided to me by and/or through other law enforcement agents, investigators, and individuals with knowledge of this matter. This affidavit does not provide every detail known to law enforcement about this investigation.

3. This affidavit provides information necessary to establish probable cause that Demario MORRIS (DOB: XX/XX/1987) has violated 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm).

II. PROBABLE CAUSE

4. On December 8, 2020, at approximately 5:00 p.m., Detroit Police were dispatched to the area of Telegraph and West Seven Mile, in

the city of Detroit, to investigate a person, and to check the area for a white van with a flat front tire that was driving recklessly.

5. While traveling northbound on Telegraph from West McNichols, an officer observed a white van, with license plate XXXX508, cause an accident in the intersection of West McNichols and Telegraph. The officer was looking in his rearview mirror when he observed the accident. He turned his scout car around to investigate the accident.

6. At the accident scene, the officer observed the two vehicles involved. One vehicle was a gray sedan, and the other a white GMC Savana van, with license plate XXXX508, that had a flat tire on the front driver side.

7. As the officer approached the white van to investigate further, he observed an individual, who was later identified as Demario MORRIS, to be the sole occupant. The officer ordered MORRIS out of the vehicle several times, however, MORRIS did not comply. The officer attempted to have MORRIS exit the van through the door, but the driver door was malfunctioning, and would not open. The officer continued to order MORRIS out of the vehicle, but MORRIS did not

comply with the officer's orders to exit the van. The officer observed MORRIS reaching toward the center console of the van. The officer was able to grab one of MORRIS's arms in an attempt to secure him in handcuffs. While the officer was trying to secure MORRIS in handcuffs, MORRIS was attempting to roll up the window of the van. The officer instructed MORRIS either to climb out of the van through the window or to open the door.

8. Several scouts made the scene to assist the officer. Officers removed MORRIS from the van by pulling him through the window. MORRIS was then taken into custody without further incident.

9. Officers conducted an inventory search of the van and recovered a black Smith & Wesson M&P 40 caliber handgun, loaded with 10 rounds of ammunition from an open tool bag that was in between the driver and passenger seats. Officers also recovered a tan and black Carhartt bag that contained a grocery bag with 470 grams of methamphetamine inside.

10. MORRIS was conveyed by officers to the Detroit Receiving Hospital for medical treatment, then to the Detroit Detention Center for processing.

11. A criminal history check was conducted on MORRIS, which revealed that he had the following prior felony convictions:

- a. July 17, 2006 – Felony controlled substance, delivery, manufacture marijuana, synthetic equivalents (Sixth Circuit Court, Pontiac, MI);
- b. August 30, 2006 – Felony weapons, carrying concealed (attempt) (Third Circuit Court, Detroit, MI);
- c. March 4, 2013 – Felony, third degree, possess three or more grams of cocaine/heroin/methamphetamine (Carlton County District Court, Carlton, MN).

12. MORRIS knows that he has been convicted of a crime punishable by imprisonment for a term exceeding one year because, among other reasons, on March 4, 2013, he was sentenced in Carlton County District Court to a 24-month term of imprisonment, which was stayed for three years.

13. On December 28, 2020, I contacted ATF Special Agent David Salazar, an expert in the Interstate Nexus of firearms. Based upon the description of the firearm provided, and without examining the firearm, SA Salazar advised me that the above referenced firearm is a firearm as

defined under 18 U.S.C. § 921, was manufactured outside of the state of Michigan after 1989, and therefore had traveled in and affected interstate commerce.

III. CONCLUSION

14. Based on the aforementioned facts, probable cause exists that Demario MORRIS, knowing that he had previously been convicted of a felony, did knowingly possess a firearm and ammunition that had previously traveled in and affected interstate and/or foreign commerce, in violation of 18 U.S.C. § 922(g)(1).



Treva L. Eaton
Task Force Officer, ATF

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2021